

MICHIGAN



"PROTECTING THE RIGHTS OF
PERSONS WITH DISABILITIES"

Elmer L. Cerano, *Executive Director*

**PROTECTION & ADVOCACY
SERVICE, INC.**

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President
Flint

November 14, 2008

Tom Landry
1st Vice President
Highland

Via Facsimile (248) 370-4474 & US MAIL

Kate Pew Wolters
2nd Vice President
Grand Rapids

Victor Zambardi
Oakland University General Counsel
203 Wilson Hall
Rochester, MI 48309

Ronald D. Bush, II
Secretary
Detroit

Mark Lezotte
Treasurer
Detroit

Re: Micah Fialka-Feldman

Pamela Bellamy, Ph.D.
Immediate Past President
Lansing

Dear Mr. Zambardi:

Sheila Faunce
Director Emeritus
East Lansing

Over the last eleven months my client and his family and friends have tried to resolve this matter by every means other than resorting to litigation. It continues to be my client's sincere belief that litigation is not necessary to resolve this matter if only Oakland University drops its discriminatory housing rule and allow him to live on campus.

Robert W. Ryan
Director Emeritus
Lansing

In your letter of November 7, 2008, you denied Micah's request for a reasonable accommodation. Additionally, you characterized the request as a "fundamental alteration of the OPTIONS Program." This is not what we requested.

Frederick A. Swegles
Director Emeritus
Port Huron

Mark Brewer, Esq.
Mt. Clemens

I hope to clear-up any misunderstanding. This is a housing issue. Micah is a student at Oakland University. But for his disability he would be enrolled in a program leading toward a degree. We are requesting, as a reasonable accommodation, that the university waive its rule that only students "enrolled in coursework leading toward a degree" be eligible for on-campus housing. This is necessary to afford Micah the equal opportunity to use and enjoy a dwelling as is required under federal law. See Fair Housing Act at 42 U.S.C. § 3604(f)(3)(B).

Donna DePalma
Pinckney

Michelle Huerta
Livonia

Ann E. Manning
Clarkston

Susan L. Odgers, Ph.D., ABD
Traverse City

So we are asking again that you reconsider your decision. However, given the months of effort to resolve this without litigation we feel we have been left with no alternative. Please let me know no later than 5:00pm on Monday, November

Stoney Polman
Lansing

Ernest A. Reynolds
Roscommon

Frederick F. (Rick) Swegles, Esq.
Port Huron

Livonia Office:

Livonia Corporate Towers
29200 Vassar Blvd., Suite 200 • Livonia, MI 48152-2116
248.473.2990
1.800.414.3956 (Toll Free)
248.473.4104 (Fax)

Main Office:

4095 Legacy Parkway, Suite 500 • Lansing, MI 48911-4263
517.487.1755 (Voice or TTY)
800.288.5923 (Information and Referral)
517.487.0827 (Fax)

Marquette Office:

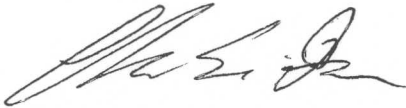
129 W. Baraga Ave., Suite A • Marquette, MI 49855-4644
906.228.5910
866.928.5910 (Toll Free)
906.228.9148 (Fax)

MPAS web site: www.mpas.org

Victor Zambardi
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17, 2008, if the university is willing to change its decision. If I do not hear from you, it is my intent to file a complaint in federal district court next week to protect and enforce my client's rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris E. Davis", with a stylized flourish at the end.

Chris E. Davis
Attorney

CED/vll